

32:1-175, 32:1-176

LEGISLATIVE HISTORY CHECKLIST

(Procedures for enforcement of orders of Port Authority-NY-NJ Employment Relations Panel)

PLSA 32:1-175, 32:1-176

LAWS OF 1977

CHAPTER 363

Bill No. S3379

Sponsor(s) Feldman

Date Introduced July 18, 1977

Committee: Assembly

Senate State Gov't, Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes *x Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 19, 1977

Senate Dec. 1, 1977

Date of approval Feb. 1, 1978

Following statements are attached if available:

Sponsor statement Yes *x No

Committee Statement: Assembly Yesx No

Senate Yesx No

Fiscal Note Yesx No

Veto Message Yesx No

Message on signing Yesx No

Following were printed:

Reports Yesx No

Hearings Yesx No

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SENATE, No. 3379

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1977

By Senator FELDMAN

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning the employment relations panel of the Port
Authority of New York and New Jersey and supplementing
subtitle 1 of Title 32 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Orders of the employment relations panel established by
2 resolution of the Port Authority of New York and New Jersey
3 adopted September 29, 1976 made pursuant to the provisions of
4 such resolution shall be (a) enforceable upon application by the
5 panel for an appropriate enforcement order by the Appellate
6 Division of the Superior Court and (b) reviewable by action in
7 lieu of prerogative writ, upon petition filed by an aggrieved party,
8 including the Port Authority of New York and New Jersey acting
9 in its capacity as employer, within 30 days after service by regis-
10 tered or certified mail of a copy of such order upon such party.
11 In any such proceeding to enforce or review an order of such
12 panel, the court shall, notwithstanding P. L. 1951, c. 204 (C. 32:1-157
13 et seq.), have power to grant such temporary relief or restraining
14 order as it deems just and proper, and to make and enter a judg-
15 ment or decree enforcing, modifying and enforcing as so modified,
16 or setting aside in whole or in part the order of such panel.

1 2. This act shall take effect upon the enactment into law by the
2 state of New York of legislation having an identical effect with
3 the provisions of this act; but if the state of New York shall have
4 already enacted such legislation, then this act shall take effect
5 immediately.

STATEMENT

This bill establishes the enforceability and reviewability of orders of the newly-established Employment Relations Panel of the Port Authority of New York and New Jersey. Late last year, the port authority in an action recommended by the Governors of both states and now considered a milestone in public sector labor relations, established the aforesaid employment relations panel under a new labor relations instruction.

Regulations now provide for full collective negotiations for the first time for the more than 8,000 employees of the port authority and cover the complete negotiations process including procedures for representation, dues check-off, resolution of disputes during negotiations, and improper practices, while, at the same time, continuing the prohibition on strikes.

When the aforementioned instruction was proposed, it was agreed that all orders of the aforesaid panel would be subject to judicial review and enforcement under the provisions of a proposed statute to be recommended to the two Legislatures for enactment upon the instruction's adoption. The instruction is intended to remain in effect until further amended or rescinded by the Port Authority Board of Commissioners or until any bi-state statutes are enacted which directly or indirectly affect the conduct of port authority labor relations. To achieve its purpose, this bill preempts previous statutory limitations on related suits against the port authority.

In addition to empowering the Superior Court (upon petition of an aggrieved party) to enforce an order of the panel, this legislation would empower the court to grant such temporary relief or restraining order as it deems just and proper and to make and enter a judgment or decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the panel.

ASSEMBLY AMENDMENTS TO
SENATE, No. 3379

STATE OF NEW JERSEY

ADOPTED DECEMBER 15, 1977

Amend page 1, section 1, line 4, after "enforceable", insert "either in a special proceeding upon petition of such panel by the Supreme Court in the State of New York or".

Amend page 1, section 1, line 6, after "Court", insert "in the State of New Jersey"; after "reviewable", insert "either under article seventy-eight of the civil practice law and rules in the State of New York or".

Amend page 1, section 1, line 7, after "writ", insert "in the State of New Jersey".

Amend page 1, section 1, line 12, after "notwithstanding", insert "sections five and nine of chapter three hundred one of the laws of New York, nineteen hundred fifty and".

[ASSEMBLY REPRINT]

SENATE, No. 3379

with Assembly amendments adopted December 15, 1977

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5 *ceeding upon petition of such panel by the Supreme Court in the*
6 *State of New York or** upon application by the panel for an ap-
7 propriate enforcement order by the Appellate Division of the
8 Superior Court **in the State of New Jersey** and (b) reviewable
9 **either under article seventy-eight of the civil practice law and*
10 *rules in the State of New York or** by action in lieu of prerogative
11 writ **in the State of New Jersey**, upon petition filed by an ag-
12 grieved party, including the Port Authority of New York and New
13 Jersey acting in its capacity as employer, within 30 days after
14 service by registered or certified mail of a copy of such order upon
15 such party. In any such proceeding to enforce or review an order
16 of such panel, the court shall, notwithstanding **sections five and*
17 *nine of chapter three hundred one of the laws of New York, nine-*
18 *teen hundred fifty and** P. L. 1951, c. 204 (C. 32:1-157 et seq.), have
19 power to grant such temporary relief or restraining order as it
20 deems just and proper, and to make and enter a judgment or decree
21 enforcing, modifying and enforcing as so modified, or setting
22 aside in whole or in part the order of such panel.

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2 state of New York of legislation having an identical effect with
3 the provisions of this act; but if the state of New York shall have
4 already enacted such legislation, then this act shall take effect
5 immediately.

2/1/18

[OFFICIAL COPY REPRINT]
SENATE, No. 3379

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STATE OF NEW JERSEY
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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 1, 1978

KATHY FORSYTH
ANNE BURNS

Governor Brendan Byrne today signed into law the following bills:

S-625, sponsored by Senator Frank Dodd, D-Essex, which requires the New Jersey Expressway Authority to hold public hearings on any toll increases at least 45 days before the new toll is effective.

This requirement will also apply to the establishment of any tolls.

The Authority is required to publish a notice of the hearing at least ten days in advance in ten daily newspapers circulated in the state.

S-626, also sponsored by Senator Dodd, which requires the New Jersey Highway Authority to hold public hearings on any toll increases at least 45 days before the new toll is effective. It is companion legislation to S-625.

S-3218, sponsored by Senator Anthony Scardino, Jr., D-Lyndhurst, which appropriates \$839,770 from the State Facilities for the Handicapped Fund for safety improvements and other renovations at the Marie H. Katzenbach School for the Deaf in Trenton.

The funds are from the \$80 million Institutions Bond Issue approved by the voters in 1976.

The total cost of the fire-life safety system, including sprinklers, flashing light alarms and automatic fire doors, is estimated at approximately \$1.7 million. A balance of \$500,000 is available from other appropriations, and Governor Byrne signed A-2267, appropriating the remaining \$366,000, on Tuesday.

S-3379, sponsored by Senator Matthew Feldman, D-Teaneck, which establishes a procedure for the enforcement and review of orders of the Employment Relations Panel of the Port Authority of New York and New Jersey.

Established in 1976, in an action recommended by the Governors of both states, the panel's regulations provide for full collective negotiations for the more than 8,000 employees of the Port Authority.

(more)

The regulations cover the complete negotiations process, including procedures for representation, dues check-off, resolution of disputes during negotiations and improper practices, while at the same time continuing the prohibition on strikes.

When the panel was set up, it was agreed that its orders would be subject to judicial review and enforcement under the provisions of a proposed statute to be approved by the Legislatures of both states.

The bill is effective immediately, as New York has already approved comparable legislation.

A-1641, sponsored by former Assemblyman John W. Markert, R-Bergen, which lowers the age of responsibility for criminal acts by a juvenile from 16 to 14 years.

Under the bill, a 14 year-old may be transferred from juvenile to adult court either without his consent following a hearing or at his request.

A-3441, sponsored by former Assemblyman (now Senator) William Hamilton, D-Middlesex, which authorizes the Port Authority of New York and New Jersey to carry out highway projects in the vicinity of existing or future air and marine terminals to provide improved access to those terminals.

The bill is effective upon the passage of comparable legislation by the New York Legislature.

The bill also provides specific authorization for the construction of highway access improvements relating to Newark International Airport and the Elizabeth Port Authority Marine Terminals at Route 81 and Interchange 13A of the New Jersey Turnpike.

The cost of the Route 81 project, estimated at \$50 million, would be shared 50 per cent by the Port Authority, 25 per cent by the New Jersey Department of Transportation and 25 per cent by the New Jersey Turnpike Authority.

The project will provide more direct access to Newark Airport from the south via the Turnpike and will alleviate traffic tie-ups at existing centers of congestion in the vicinity of Newark Seaport and Port Elizabeth.

Senate Joint Resolution No. 12, sponsored by Senator William Hamilton, D-Middlesex, which designates the Route 18 bridge over the Raritan River as the "John A. Lynch Bridge".